July 16, 2012

RULES COMMITTEE PRINT 112-27 TEXT OF H.R. 3210, RELIEF ACT

[Showing the text of H.R. 3210 as ordered reported by the Committee on Natural Resources]

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Retailers and Enter-
3	tainers Lacey Implementation and Enforcement Fairness
4	Act" or the "RELIEF Act".
5	SEC. 2. FINDINGS.
6	Congress finds the following:
7	(1) Amendments to the Lacey Act Amendments
8	of 1981 were enacted as part of the Food, Conserva-
9	tion, and Energy Act of 2008 (Public Law 110-
10	246).
11	(2) The 2008 amendments were intended to
12	level the playing field for American businesses en-
13	gaged in the responsible harvest, shipment, manu-
14	facture, and trade of plants and plant products
15	whose prices had been undercut by a black market
16	fueled by irresponsible and illegal taking of protected
17	plants around the globe.
18	(3) The 2008 amendments were overly broad
19	and their enforcement as enacted could criminalize

1 actions of a good-faith owner, purchaser, or retailer 2 of a plant or plant product, subjecting them to pen-3 alties that include forfeiture, fines, and imprison-4 ment. (4) Sanctions for violating the 2008 amend-6 ments should be proportional to the act in violation. 7 An individual who is not in the commercial shipping 8 business should not be held to the same standard of 9 compliance under that Act. 10 (5) Individuals fear that they risk incurring 11 those penalties by merely owning or traveling with a 12 vintage musical instrument, antique furniture, or an-13 other wood product. 14 (6) The Department of the Interior and De-15 partment of Justice have stated "people who un-16 knowingly possess a musical instrument or other ob-17 ject containing wood that was illegally taken, pos-18 sessed, transported or sold in violation of law and 19 who, in the exercise of due care would not have 20 known that it was illegal, do not have criminal expo-21 sure.". 22 (7) It is necessary to clarify the 2008 amend-23 ments so that legally harvested new plant products 24 can enter the market place.

1	(8) Declaration requirements for plant products
2	imported or manufactured prior to May 22, 2008,
3	are unreasonable since the sourcing of plant prod-
4	ucts was not previously required by law.
5	(9) Federal law enforcement officials should not
6	engage in overzealous enforcement action under the
7	2008 amendments.
8	(10) It is important to ensure that the appro-
9	priate agencies have the necessary funding to imple-
10	ment the current phases of the declaration require-
11	ment before considering any future phases.
12	(11) The appropriate agencies have the respon-
13	sibility of providing a publicly accessible database so
14	that everyone can be notified of the foreign laws of
15	countries as they apply to the importation of plants.
16	SEC. 3. TREATMENT OF PLANTS AND PLANT PRODUCTS
17	UNDER LACEY ACT AMENDMENTS OF 1981.
18	(a) Limitation on Application of Act to Cer-
19	TAIN PLANTS AND PLANT PRODUCTS.—The Lacey Act
20	Amendments of 1981 (16 U.S.C. 3371 et seq.) is amended
21	by redesignating section 9 as section 10, and by inserting
22	after section 8 the following:
23	"SEC. 9. LIMITATION ON APPLICATION TO CERTAIN
24	PLANTS AND PLANT PRODUCTS.
25	"This Act does not apply with respect to—

1	"(1) any plant that was imported into the
2	United States before May 22, 2008; or
3	"(2) any finished plant or plant product the as-
4	sembly and processing of which was completed be-
5	fore May 22, 2008.".
6	(b) Limitations on Application of Plant Dec-
7	LARATION REQUIREMENT.—Section 3(f) of such Act (16
8	U.S.C. 3372(f)) is amended—
9	(1) in paragraph (1), by inserting "that is en-
10	tered for consumption (as that term is defined in
11	part 141.0a of title 19, Code of Federal Regulations,
12	as in effect on the date of enactment of the Retailers
13	and Entertainers Lacey Implementation and En-
14	forcement Fairness Act)" after "plant"; and
15	(2) in paragraph (3)—
16	(A) by inserting "(A)" before "Paragraphs
17	(1)"; and
18	(B) by adding at the end the following:
19	"(B)(i) In the case of a plant product that is
20	derived from a tree, a declaration under paragraph
21	(1) or (2) is not required to include information re-
22	ferred to in subparagraph (A), (B), or (C) of that
23	paragraph unless the plant product is solid wood.
24	"(ii) The Administrator of the Animal and
25	Plant Health Inspection Service shall issue regula-

1	tions that define the term 'solid wood' for purposes
2	of this subparagraph.".
3	(c) Application of Civil Forfeiture Laws.—
4	Section 5(d) of such Act (16 U.S.C. 3374(d)) is amend-
5	ed—
6	(1) by inserting "(1)" before "Civil";
7	(2) by inserting ", except as provided in para-
8	graphs (2) and (3) of this subsection" before the pe-
9	riod at the end; and
10	(3) by adding at the end the following:
11	"(2) Subsection (d)(4) of section 983 of such chapter,
12	and the second sentence of subsection $(a)(1)(F)$ of such
13	section, shall not apply to plants or plant products.
14	"(3) This section is the sole authority for civil seizure
15	or forfeiture actions alleging, or predicated upon, a viola-
16	tion of section 3.".
17	SEC. 4. LIMITATION ON APPLICATION OF FOREIGN LAWS.
18	(a) Prohibited Acts.—Section 3(a) of such Act (16
19	U.S.C. 3372(a)) is amended—
20	(1) in paragraph (2)(B), in clause (ii) and in
21	clause (iii), by striking "foreign law" and inserting
22	"foreign law that is directed at the protection, con-
23	servation, and management of plants"; and
24	(2) in paragraph (3)(B), in clause (ii) and in
25	clause (iii), by striking "foreign law" and inserting

1	"foreign law that is directed at the protection, con-
2	servation, and management of plants".
3	(b) Civil Penalties.—Section 4(a)(1) of such Act
4	(16 U.S.C. 3373(a)(1)) is amended by striking "foreign
5	law" and inserting "foreign law that is directed at the pro-
6	tection, conservation, and management of plants".
7	SEC. 5. REVIEW AND REPORT.
8	Section 3(f) of such Act (16 U.S.C. 3372(f)) is
9	amended—
10	(1) in paragraph (4), by striking "Not later
11	than two years after the date of enactment of this
12	subsection," and inserting "Not later than 180 days
13	after the date of enactment of the Retailers and En-
14	tertainers Lacey Implementation and Enforcement
15	Fairness Act,"; and
16	(2) in paragraph (5)—
17	(A) by striking "Not later than 180 days
18	after the date on which the Secretary completes
19	the review under paragraph (4), the Secretary"
20	and inserting "Not later than 180 days after
21	the date the Secretary completes the review
22	under paragraph (4), the Director of the United
23	States Fish and Wildlife Service";
24	(B) by striking "and" after the semicolon
25	at the end of subparagraph (B);

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1	(C) by striking the period at the end of
2	subparagraph (C) and inserting "; and; and
3	(D) by adding at the end the following:
4	"(D) an evaluation of the feasibility of cre-
5	ating and maintaining a publicly available data-
6	base of laws of foreign countries from which
7	plants are exported.".

